



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/070,411

Filing Date

October 9, 2002

First Named Inventor

Janne J. KALLIO

Art Unit

2617

Examiner Name

Marcos TORRES

Attorney Docket Number

915-003.006

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ware, Fressola, Van Der Sluys & Adolphson, LLP		
Signature			
Printed name	Keith R. Obert		
Date	August 6, 2007	Reg. No.	58,051

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Kathleen Sipos	Date	August 6, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Attorney Docket No. 915-003.006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Janne J. KALLIO : Confirmation No. **5550**
Serial No: **10/070,411** : Examiner: **Marcos TORRES**
Filed: **October 9, 2002** : Group Art Unit: **2617**
For: **NETWORK FREQUENCY SETTING**

MAIL STOP APPEAL BRIEFS-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

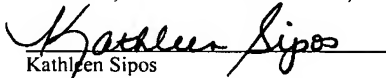
REPLY BRIEF (37 C.F.R. § 41.41)

Sir:

This is a reply brief in regard to a final Office Action (mailed November 17, 2005) and an Advisory Action (mailed February 16, 2006), and in furtherance of an Appeal Brief (mailed June 13, 2006), and in reply to an Examiner's Answer (mailed June 8, 2007).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Appeal Briefs-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Kathleen Sipos
Dated: August 6, 2007

REMARKS

This Reply Brief is in response to the Examiner's Answer of June 8, 2007. The Examiner's Answer is in response to the Board order of April 17, 2007 returning the appeal to the Examiner for consideration of the amendment of June 16, 2006. Appellant notes that claim 29, which was cancelled in the amendment of June 16, 2006, is not mentioned in the Examiner's Answer, and therefore the Examiner's Answer has been corrected to reflect the amendment of June 16, 2006. Furthermore, the Examiner has noted in the Office communication of July 30, 2007 that cancellation of claim 29 is acknowledged.

Appellant continues to assert the arguments presented in the Appeal Brief, and responds to the Examiner's Answer with the discussion presented below.

Response to Argument (10)

No Motivation to Combine the Cited References

Appellant respectfully submits that there is no motivation to combine the teachings of Soliman with those of Bauchot. The Office asserts that Bauchot is directed to synchronizing timing between different communication networks. However, Bauchot does not relate to synchronization of different networks, but instead only provides a traffic scheduling method for control of communication between networks. *See* Bauchot column 1, lines 9-14. The scheduling method discussed in Bauchot uses the arrival time of data cells to determine a deadline of each cell before that cell has to be transmitted in order to meet quality of service requirements. *See* Bauchot column 2, lines 55-60. Therefore, Bauchot is not concerned with accurately setting frequencies between base stations of different networks. In contrast, claim 1 of the present application recites adjusting a second frequency of a second communication network with the aim of establishing a desired relationship between the second frequency and a first frequency of a first communication network. Therefore, there is no motivation or suggestion to combine the teachings of Bauchot with those of Soliman, because Bauchot merely provides a scheduler for controlling cell traffic from separate communication networks.

Contrary to the assertions presented in the Examiner's Answer, the idea of providing the delay in Bauchot is not to synchronize the first network, i.e. a synchronous network, with the second network, i.e. an asynchronous network. Time slots are allocated to data cells that are exchanged between synchronous and asynchronous terminals based on the time after which the

required quality of service of the connection is not met. *See* Bauchot column 3, lines 11-16. Therefore, the transfer of data cells between the asynchronous and synchronous networks in Bauchot is not based on matching time slots between different networks, i.e. synchronization, but instead scheduling is based on the quality of service for each connection. *See e.g.* Bauchot column 5, lines 56-58 (the scheduler gives a priority to each connection based on its service class). As such, the transmission between different networks in Bauchot has nothing to do with modifying the frequency of one network to correspond with the frequency of another network, as recited in claim 1. At most, the combination of Soliman and Bauchot would only provide a person skilled in the art with a method of setting the frequency of one base station according to another base station in the same network, and a method of scheduling traffic between an asynchronous network and a synchronous network to meet quality of service requirements, in which the scheduling does not involve synchronizing the frequency of transmission of each network. There is no suggestion or motivation to combine Soliman and Bauchot to arrive at setting the frequency of a base station in a second network based on the frequency used by a base station in a first network, as recited in claim 1.

Furthermore, the Office asserts that it has not engaged in impermissible hindsight reasoning by simply using appellant's disclosure to piece together teachings from the prior art references. The Office states that Soliman provides an example of improving handoff reliability, and asserts that one of ordinary skill in the art would look to Bauchot in order to accomplish a handoff between networks. However, appellant respectfully submits that one of skill in the art would not look to the teachings of Bauchot for accomplishing a handoff between networks. Bauchot makes no mention or suggestion of performing handoffs, and instead only addresses establishing communication between a terminal in an asynchronous network with a terminal in a synchronous network. Bauchot does not disclose or suggest a terminal traveling between different networks, and thus requiring a handoff to take place in order for the terminal to continue communicating. Therefore, one of ordinary skill in the art would have no motivation or suggestion to implement the limitations recited in claim 1, in which the frequency used by a first base station in one network is used to adjust the frequency of a second base station in another network. Soliman only discloses that the frequencies used by base stations within a network are set by cascading time and frequency values through the base stations of that same network. In contrast, the limitations recited in claim 1 address, for example, the problem of synchronizing

clocks across a transmission, in which part of the transmission chain to a base station runs across an unlocked network. Neither Soliman nor Bauchot address or even consider this problem, and therefore there is no motivation or suggestion to combine their teachings so that the frequency used by a base station in one network is adjusted in accordance with a frequency used in a second network, as recited in claim 1. Instead, the Office has merely engaged in hindsight reasoning by citing Bauchot, in which two networks are in communication, and Soliman, in which a single network's time and frequency are synchronized, and asserting that it would be obvious to apply the teachings of Soliman across two different networks.

Finally, in response to the Office's assertion that the appellant has attacked references individually. Appellant respectfully submits that for at least the reasons discussed above there is no motivation or suggestion to combine the teachings of the cited references. In order to establish obviousness, there must be some motivation or suggestion to combine the cited references, and the cited references when combined must teach all of the claim limitations. *See* MPEP § 2142. Since there is no motivation to combine the cited references, the cited references cannot disclose all of the limitations recited in the claims. Therefore, the cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1.


The discussion above in relation to claim 1 is equally applicable to the other independent claims in the application. Therefore, for at least the reasons discussed above with respect to claim 1, the other independent claims are also not disclosed or suggested by the cited references. The dependent claims in the application are further not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

For the reasons discussed above as well as those previously presented in appellant's Appeal Brief of June 13, 2006, appellant respectfully submits that the rejections of the final Office Action have been shown to be inapplicable, and respectfully requests that the Board reverses the rejections to pending claims 1-10, 13-28 and 30. The undersigned believes that no additional fee is required to submit this Reply Brief, but hereby authorizes the Commission to charge deposit account 23-0442 for any fee deficiency required to submit this Reply Brief.

Respectfully submitted,

Date: 6 August 2007


Keith R. Obert
Attorney for the Appellant
Registration No. 58,051

KRO/kas
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955